DOCKET NO.: 2007-1147-PST-E **TCEQ ID:** RN102022829 **CASE**

CASE NO.: 34185

RESPONDENT NAME: Town & Country Food Stores, Inc. dba Town & Country 267

ORDER TYPE:						
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING				
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER				
_AMENDED ORDER _EMERGENCY ORDER						
CASE TYPE:						
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE				
PUBLIC WATER SUPPLY	X_PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION				
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL				
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION				
SITE WHERE VIOLATION(S) OCCURRED: Town & Country 267, 1001 North Crockett Avenue, Sonora, Sutton County TYPE OF OPERATION: Convenience store with retail sales of gasoline SMALL BUSINESS: X Yes No OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location. INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter. COMMENTS RECEIVED: The Texas Register comment period expired on October 22, 2007. No comments were received. CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Judy Kluge, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5825; Mr. Steve Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Robert Eggleston, Director of Petroleum Marketing, Town & Country Food Stores, Inc. dba Town & Country 267, P.O. Box 5581, San Angelo, Texas 76902 Respondent's Attorney: Not represented by counsel on this enforcement matter						

VIOLATION SUMMARY CHART.

VIOLATION SUMMART CHAR.		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED DOOL
Type of Investigation: Complaint	Total Assessed: \$7,650	Corrective Actions Taken:
X Routine Enforcement Follow-up Records Review	Total Deferred: \$1,530 X Expedited Settlement Financial Inability to Pay	The Executive Director recognizes that Town & Country has implemented the following corrective measures at the Facility:
Date(s) of Complaints Relating to this Case: None	SEP Conditional Offset: \$0	a) On July 5, 2007, the TCEQ San Angelo Regional Office received documentation
Date of Investigation Relating to this Case: May 4, 2007	Total Paid to General Revenue: \$6,120 Site Compliance History Classification	certifying that the SIR analysis reports are being obtained from the vendor within the first 15 calendar days of the month as
Date of NOE Relating to this Case: July 2, 2007 (NOE)	High X Average Poor	required; and
Background Facts: This was a routine scheduled investigation for compliance with the petroleum storage tank program. Three significant program violations were observed.	Person Compliance History ClassificationHighX_ AveragePoor Major Source:YesX_ No Applicable Penalty Policy: September 2002	b) The TCEQ San Angelo Regional Office received documentation verifying that as of February 5, 2007, the required suspected release investigation was conducted, corrective measures were taken to conduct inventory measurements and
WASTE		reconciliation accurately, and passing results were achieved in the SIR analysis reports.
1) Failure to obtain an Statistical Inventory Reconciliation (SIR) analysis from the designated provider within 15 calendar days following the last day of the calendar month for which the analysis was performed. Specifically, it was documented that the date of the SIR reports exceeded the 15-day limit [30 Tex. ADMIN. CODE § 334.50(d)(9)(A)(iii) and Tex. WATER CODE § 26.3475(c)(1)].		
2) Failure to report a suspected release to the agency within 24 hours of discovery. Specifically, the SIR results of the unleaded tank for November 2006 indicated a suspected release that was not reported to the TCEQ [30 Tex. ADMIN. CODE §§ 334.50(d)(9)(A)(iv) and 334.72(3)(B)].		
3) Failure to investigate a suspected release within 30 days of discovery. Specifically, SIR results of the unleaded tank for November 2006 indicated a suspected release that was not investigated [30 Tex. ADMIN. CODE § 334.74(1)].		

Additional ID No(s).: PST Facility ID No. 63768

A Reliev Povicion 2 (See	Penalty Calculation	on Works	sheet (P		on June 26, 2007
Policy Revision 2 (Sep	otember 2002)			PCW Revisio	on June 26, 2007
DATES Assigned	9-Jul-2007				
PCW	The state of the s	EPA Due			4 4
	and the second control of the second control				to contract and contract and contract and contract
RESPONDENT/FACILITY					
	Town & Country Food Stores, Inc. dba Tov	vn & Country 26	57 		_
Reg. Ent. Ref. No.	RN102022829			IX.	_
Facility/Site Region	8-San Angelo	Major/i	Minor Source	Minor	
CASE INFORMATION					
Enf./Case ID No.	34185	∃ No.	of Violations	[3	_
	2007-1147-PST-E	┤	Order Type		\neg
Media Program(s)	Petroleum Storage Tank	Enf.	. Coordinator		7
Multi-Media	_		EC's Team EnforcementTeam 6		
Admin. Penalty \$	Limit Minimum \$0 Maximum	\$10,000			_
	Penalty Calcul	ation Sec	tion		
TOTAL DAGE DENAL					¢0 500
IUIAL BASE PENAI	LTY (Sum of violation base penalti	ies)		Subtotal 1	\$8,500
ADJUSTMENTS (+/-)	TO SUBTOTAL 1 ined by multiplying the Total Base Penalty (Subtotal 1)	by the indicated ne	ercentage		
Compliance Hist		6 Enhancement	•	otals 2, 3, & 7	\$0
		<u> </u>]	
Notes	No adjustment due to comp	oliance history.			
Culpability	No 0%	6 Enhancement	ger gargere	Subtotal 4	\$0
Notes	The respondent does not meet the	ne culpability cri	torio	*	
Notes	The respondent does not meet to	ic culpability cri	iena.		
			. See a la company	• 	
Good Faith Effor				Subtotal 5	\$850
Eutroordinan	Before NOV NOV to EDPRP/Settlement Offe	r			
Extraordinary Ordinary					
N/A					
	The respondent came into compliance or	July 5, 2007, a	after the NOF		
Notes	dated July 2, 20		attor the HOL		
	33134 531, 25				
		6 Enhancement*		Subtotal 6	\$0
Annrow		ed at the Total EB \$	S Amount		
Арргох.	Cost of Compliance \$3,600				
SUM OF SUBTOTAL			ez erekityako etek	Einal Cubtatal	\$7,650
SOM OF SUBTOTAL				Final Subtotal	\$7,050
OTHED EXCTORS A	S JUSTICE MAY REQUIRE				\$0
	Subtotal by the indicated percentage. (Enter number of	nnly: e.a30 for -30	%)	Adjustment	
Troubles of State of Troubles	eastered by all managed personage. (Enter name)	mny, e.g. 00 (c) 00	70.7	1	
Notes					
		to	Final Pe	nalty Amount	\$7,650
					
STATUTORY LIMIT	ADJUSTMENT		Final Asse	essed Penalty	\$7,650
DEFERRAL		20%	Reduction	Adjustment	-\$1,530
	nalty by the indicted percentage. (Enter number only;				1 - 7
Notes	Deferral offered for expedit	ed settlement.			
				-	
DAVABLE DENALTY					\$6.120

Component Number of Enter Number Here Adjust.	Judgments and Consent Decrees Any adjudicated judgments or or government Convictions Any criminal cores Chronic excessions Letters notifying Environmental, audits for which Disclosures of Mact, 74th Legisla Participation in Early compliance environmental results of the control of the con	the federal government (number of judgements or consent decrees meeting of final court judgments and default judgments, or non-adjudicated final court consent decrees without a denial of liability, of this state or the federal povernment (number of counts) invictions of this state or the federal government (number of counts) invictions of this state or the federal government (number of counts) invictions of this state or the federal government (number of counts) invictions of this state or the federal government (number of counts) invictions events (number of an intended audit conducted under the Texas Health, and Safety Audit Privilege ature, 1995 (number of audits for which violations were disclosed) Inviolations under the Texas Environmental, Health, and Safety Audit Privilege ature, 1995 (number of audits for which violations were disclosed) Please the compliance assessments conducted by the executive director under a note program a voluntary pollution reduction program as voluntary pollution reduction program are with, or offer of a product that meets future state or federal government equirements	0 0 0 0 0 0 0 0 0 0 No No No No	0% 0% 0% 0% 0% 0% 0% 0% 0% 0% 0%
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Novs Novs Novs Novs Novs Novs Novs Novs	Any agreed fin	al enforcement orders containing a denial of liability (number of orders	7:1	
Component Number of Enter Number Here Adjust.	NOVs (number of NO)	/s meeting criteria)	0	0%;
ance History Site Enhancement (Subtotal 2)	Number of Written NOVs (number of NOV) Other written NOV Any agreed fin meeting criteria	with same or similar violations as those in the current enforcement action /s meeting criteria) OVs all enforcement orders containing a denial of liability (number of orders)	Enter Number Here 0 0 0	78 Adjust. 0% 0% 0%

Screening Date	12-Jul-2007	Docket No. 2	007-1147-PST-E	PCW
		es, Inc. dba Town & Country	267 Policy F	Revision 2 (September 2002)
Case ID No			F	CW Revision June 26, 2007
Reg. Ent. Reference No				
	Petroleum Storage Tank			
Enf. Coordinato Violation Numbe				
				1
Rule Cite(s	30 Tex. Admin. Code §	334.50(d)(9)(A)(iii) and Tex.	Water Code § 26.3475(c)(1)	***************************************
Violation Description	following the last day of	the calendar month for which	rovider within 15 calendar days n the analysis was performed. R reports exceeded the 15-day	
			Base Penalty	\$10,000
>> Environmental, Property		trix		
Release	Harm e Major Moderate	Minor		
OR Actua		WILLOI		
Potentia		P	Percent 25%	
>>Programmatic Matrix				
Falsification	Major Moderate	Minor	lorgent 00/	
			Percent 0%	
]
		r could be exposed to polluta ৷ or environmental receptors ঃ	ints which would exceed levels	
Notes that ar	e protective of numan near	or environmental receptors a	as a result of the violation.	
			Ф7.500	-
		Ad	justment \$7,500	<u>'</u>
00000000000				\$2,500
Violation Events				
Number of V	iolation Events 1	62 N	Number of violation days	
	<u> </u>			
· ·	daily			
orana and a same and a same a sam	monthly			£0.500
mark only one with an x	quarterly x semiannual		Violation Base Penalty	\$2,500
	annual			
	single event			
				=
One quar	terly event is recommended	from the May 4, 2007 investion	gation date to the July 5, 2007	
VIII.	,	compliance date.	· ·	
<u> </u>				
Economic Benefit (EB) for t	his violation		Statutory Limit Test	
Estimate	ed EB Amount	\$16	Violation Final Penalty Tota	\$2,250
	•	This violation Final Assess	ed Penalty (adjusted for limits	\$2,250
		เมเร งเบเสนบท FINAI ASSESS	su renaity (aujusteu ior ilmits	/

	E	conomic E	Benefit W	orks	sheet		
Respondent	, Town & Countr	y Food Stores, Inc.	dba Town & Cou	ntry 267			40.2220.0000000000000000000000000000000
Case ID No.	. 34185						
Reg. Ent. Reference No.	. RN102022829				•		
	Petroleum Stor	age Tank			a in the second	Percent Interest	Years of
Violation No.	. 1					, or oon a mile of	Depreciation
					100	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
30.7 (at the Complete	The State of the S	tal and the same	12374747		tion the a		
Delayed Costs	i						
Equipment				0,0	\$0	\$0	\$0
Buildings			Management	0,0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction		1, 2100 1000 000		0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System		<u> </u>		0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal				0.0	\$0	n/a n/a	\$0
Permit Costs Other (as needed)	\$500	15-Nov-2006	5-Jul-2007	0.6	\$16	n/a	ან \$16
	Estimated cost	to obtain SIR analy	sis records within	n 15 cale	ndar davs followin	g the last day of the	calendar month
Notes for DELAYED costs		nalysis was perform	ed. The date red	uired is		g the last day of the nonth of October 200 ate of compliance.	
	for which the ar	nalysis was perform report was requir	ed. The date red ed to be obtained	uired is I and the	15 days after the n final date is the d	nonth of October 200	6 when the SIR
Notes for DELAYED costs Avoided Costs Disposal	for which the ar	nalysis was perform report was requir	ed. The date red ed to be obtained	uired is I and the	15 days after the n final date is the d	nonth of October 200 ate of compliance. one-time avoided c \$0	osts)
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	for which the ar	nalysis was perform report was requir	ed. The date red ed to be obtained	uired is d and the entering 0.0 0.0 0.0 0.0 0.0	15 days after the ne final date is the ditem (except for \$0 \$0 \$0 \$0 \$0	onth of October 200 ate of compliance. cone-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	for which the ar	nalysis was perform report was requir	ed. The date red ed to be obtained	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	15 days after the ne final date is the distance of the distanc	onth of October 200 ate of compliance. phe-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	06 when the SIR 005ts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	for which the ar	nalysis was perform report was requir	ed. The date red ed to be obtained	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	15 days after the ne final date is the distance of the distanc	onth of October 200 ate of compliance. phe-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	06 when the SIR S0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	for which the ar	nalysis was perform report was requir	ed. The date red ed to be obtained	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	15 days after the ne final date is the distance of the distanc	onth of October 200 ate of compliance. phe-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	06 when the SIR 005ts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	for which the ar	nalysis was perform report was requir	ed. The date red ed to be obtained	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	15 days after the ne final date is the distance of the distanc	onth of October 200 ate of compliance. phe-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	06 when the SIR 005ts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	12-Jul-2007 Docket No. 2007-1147-PST-E	PCW
		Revision 2 (September 2002)
Case ID No.		PCW Revision June 26, 2007
Reg. Ent. Reference No.		***************************************
\$	Petroleum Storage Tank	***************************************
Enf. Coordinator Violation Number	Judy Kluge	***************************************
Rule Cite(s)		7
	30 Tex. Admin. Code §§ 334.50(d)(9)(A)(iv) and 334.72(3)(B)	
Violation Description	Failed to report a suspected release to the agency within 24 hours of discovery. Specifically, the SIR results of the unleaded tank for November 2006 indicated a suspected release that was not reported to the TCEQ.	
	Base Penalty	\$10,000
>> Environmental, Property a	nd Human Health Matrix	
	Harm	
Release OR Actual	Major Moderate Minor	
Potential	<u> </u>	
>>Programmatic Matrix		
Falsification	Major Moderate Minor x Percent 10%	
<u> </u>	Percent 10%	
Matrix Notes	100% of the rule requirement was not met.	
	Adjustment \$9,00	0
vonescororo		\$1,000
and a second		ψ.i,σσσ
Violation Events		
Number of Vi	plation Events 1 1 Number of violation days	
Number of Vi	Tumber of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event x	y \$1,000
One single e	vent is recommended based on the documentation of the violation during the May 4, 200 investigation.	7
Economic Benefit (EB) for th	is violation Statutory Limit Test	
Estimate	d EB Amount \$100 Violation Final Penalty Total	al \$900
	This violation Final Assessed Penalty (adjusted for limit	\$900

	Е	conomic l	3enefit W	orks	sheet		
Respondent		y Food Stores, Inc.		98.080.000.000.00			*
Case ID No.		,					
Reg. Ent. Reference No.	RN102022829				¥:	et de l'est de l'étable de la company	#
	Petroleum Stora	age Tank				_	Years of
Violation No.		0			and the second	Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	acceptation and the second and the s
Maria Dagasia Van		•				Official Costs	LD Amount
Item Description	No commas or \$		1000	unstalle.	44.4.4.4	,	
5.1 1161							1374-51 53 8-350
Delayed Costs		11		0.0	I \$0	\$0	\$0 T
Equipment Buildings				0.0	\$0	\$0	\$0
Other (as needed)	7. T. O. S. C.			0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
			117	Marie 1	(ABL STORMS AND ARREST	The Residence	Foreign programmers of the
Notes for DELAYED costs				*. *	1 -		1
Notes for DELATED Costs			8.400 a.		Dayler Selection	14367.0646.1	
,				1		ide a ta	248
Avoided Costs	ANN	UALIZE [1] avoide	d costs before e	ntering	item (except for	one-time avoided o	osts)
Disposal			, a character and the	0.0	\$0	\$0	\$0
Personnel			,	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
Financial Assurance [2]			<u> </u>	0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	0400	4.5	0.0	0.0	\$0 \$0	\$0	\$0
Other (as needed)	\$100	1-Dec-2006	2-Dec-2006	0.0	1 \$0	\$100	\$100
1	L			1. (.di .ht. o a.ee		
Notes for AVOIDED costs	Estimated cost	to report a suspect				the suspected relea	ise and the final
			date is the di	ate tne r	eport was due.		
	l				·		
		. 6.			COCCONSISSION CONTRACTOR CONTRACT		
Approx. Cost of Compliance		\$100			TOTAL		\$100

Respondent Town & Country Food Stores, Inc. dba Town & Country 267 Case ID No. 34185 Reg. Ent. Reference No. RN102022829 Media [Statute] Petroleum Storage Tank Enf. Coordinator Judy Kluge Violation Number Rule Cite(s) 30 Tex. Admin. Code § 334.74(1) Failed to investigate a suspected release within 30 days of discovery. Specifically, SIR results of the unleaded tank for November 2006 indicated a suspected release that was not investigated. Base Penalty \$10,000 Servironmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential X Percent 25% Percent 25% Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500
Reg. Ent. Reference No. RN102022829 Media [Statute] Petroleum Storage Tank Enf. Coordinator Judy Kluge Violation Number 3 Rule Cite(s) 30 Tex. Admin. Code § 334.74(1) Failed to investigate a suspected release within 30 days of discovery. Specifically, SIR results of the unleaded tank for November 2006 indicated a suspected release that was not investigated. Base Penalty \$10,000 **Percent 25% **Programmatic Matrix Falsification Major Moderate Minor Percent 0%
Media [Statute] Petroleum Storage Tank Enf. Coordinator Judy Kluge Violation Number 3 Rule Cite(s) 30 Tex. Admin. Code § 334.74(1) Failed to investigate a suspected release within 30 days of discovery. Specifically, SIR results of the unleaded tank for November 2006 indicated a suspected release that was not investigated. **Base Penalty** **Story **Percent** **OR** **Percent** **Definition** **Definition** **Percent** **Definition** **
Enf. Coordinator Judy Kluge Violation Number 3 Rule Cite(s) 30 Tex. Admin. Code § 334.74(1) Failed to investigate a suspected release within 30 days of discovery. Specifically, SIR results of the unleaded tank for November 2006 indicated a suspected release that was not investigated. Base Penalty \$10,000 >> Environmental, Property and Human Health Matrix Release Major Moderate Minor Actual Potential X Percent 25% >> Programmatic Matrix Falsification Major Moderate Minor Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500
Violation Number Rule Cite(s) 30 Tex. Admin. Code § 334.74(1) Falled to investigate a suspected release within 30 days of discovery. Specifically, SIR results of the unleaded tank for November 2006 indicated a suspected release that was not investigated. Base Penalty \$10,000 >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential X Percent 25% >> Programmatic Matrix Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500
Statistication Stat
Failed to investigate a suspected release within 30 days of discovery. Specifically, SIR results of the unleaded tank for November 2006 indicated a suspected release that was not investigated. Base Penalty \$10,000 >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential X Percent 25% >> Programmatic Matrix Falsification Major Moderate Minor Matrix Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500
Violation Description results of the unleaded tank for November 2006 indicated a suspected release that was not investigated. Base Penalty \$10,000 >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential x Percent 25% >> Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor
OR Release Major Moderate Minor Potential x Percent 25% >>Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500
OR Release Major Moderate Minor Potential x Percent 25% >>Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500
OR Actua Potential X Percent 25% >> Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500
Potential x Percent 25% >>Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500
>> Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500
Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500
Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500
Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500
Notes are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500
Notes are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500
\$2,500
Violation Events
Number of Violation Events 2 40 Number of violation days
mark only one with an x mark only one with an x single event daily x Violation Base Penalty \$5,000
Two monthly events are recommended from the release investigation due date of December 31, 2006 to the February 5, 2007 compliance date.
Economic Benefit (EB) for this violation Statutory Limit Test
Estimated ER Amount \$21 Violation Final Panalty Total \$4 500
Estimated EB Amount \$21 Violation Final Penalty Total \$4,500 This violation Final Assessed Penalty (adjusted for limits) \$4,500

Maria de la companya	E	conomic I	3enefit W	orks/	sheet		
Respondent	: Town & Countr	y Food Stores, Inc.	dba Town & Cou	ntry 267			
Case ID No.		•		•			v.
Reg. Ent. Reference No.							
· ·	Petroleum Stor	age Tank				_	Years of
Violation No.		ago .a			and the second	Percent Interest	Depreciation
Violation 140.	,0					5.0	nikidan dan mananan sarah sarah
		5.5.	E. 15.			t	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	I No commas or \$	(10.4.1025.00000				,	
victorio de la companione de la victorio della victoria della vict						Tarrent taren on one or a consequence of	
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings			10000	0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$3,000	31-Dec-2006	5-Feb-2007	0.1	\$1	\$20	\$21
Land			· · · · · · · · · · · · · · · · · · ·	0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal		ļ		0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)		<u> </u>		0.0	\$0	n/a	\$0
Notes for DELAYED costs		d	ue and the final d	late is th	e date of complian	restor.	
Avoided Costs	ANN	IUALIZE [1] avoide	ed costs before e	entering	item (except for	one-time avoided c	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel						A0 1	
				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0 \$0
Inspection/Reporting/Sampling Supplies/equipment					\$0 \$0	\$0 \$0	\$0 \$0 \$0
				0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0
Supplies/equipment				0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2]				0.0 0.0 0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		\$3,000		0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

Compliance History

Custon	ner/Respondent/Owner-Operator:	CN600891287	Town & Country Food St	ores, Inc.	Classification:	AVERAGE	Rating: 1.21
Regula	ited Entity:	RN102022829	TOWN & COUNTRY 26	7	Classification:	AVERAGE	Site Rating: 1.2
ID Num	nber(s):	PETROLEUM ST		REGISTRATION	63768	Repeat Violato	
_ocatio	n:		TT AVE, SONORA, TX, 769	950			
TCEQ	Region:	REGION 08 - SA	N ANGELO				
Date C	compliance History Prepared:	July 12, 2007					
Agency	y Decision Requiring Compliance History:	Enforcement					
Compli	iance Period:	July 12, 2002 to .	uly 12, 2007				
TCEQ	Staff Member to Contact for Additional Info	rmation Regarding t	his Compliance History				
Name:	Judy Kluge	Ph	one: 817-585-5825				
		Site C	ompliance History Con	nponents			
1. Has	the site been in existence and/or operation	for the full five year	compliance period?	Yes			
2. Has	there been a (known) change in ownership	of the site during th	e compliance period?	No			
3. If Y∈	es, who is the current owner?			N/A			
4. if Y	es, who was/were the prior owner(s)?			N/A	,		
5. Wh	en did the change(s) in ownership occur?			N/A			
Comp	oonents (Multimedia) for the Site :						
A.	Final Enforcement Orders, court judger	ments, and consent	decrees of the state of Texa	as and the federal	government.		
	N/A						
В.	Any criminal convictions of the state of	Toyas and the fode	ral gavarnment				
Б.	N/A	rexas and the rede	rai governinent.				
C.	Chronic excessive emissions events.						
	N/A						
D.	The approval dates of investigations. (of 1 07/02/2007 (559773)	CCEDS Inv. Track.	No.)				
E.	Written notices of violations (NOV). (Co	CEDS Inv. Track. N	o.)				
F.	Environmental audits. N/A						
G.	Type of environmental management sy	ystems (EMSs).					
	N/A					• .	
H.	Voluntary on-site compliance assessm	ent dates.					
	N/A						
I.	Participation in a voluntary pollution re	duction program.					
	N/A						
J.	Early compliance.						
	N/A						
Sites	Outside of Texas						
	N/A						

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	Š	TEXAS COMMISSION ON
TOWN & COUNTRY FOOD STORES,	Š	
INC. DBA TOWN & COUNTRY 267	Š	ENVIRONMENTAL QUALITY
RN102022829	·	

AGREED ORDER DOCKET NO. 2007-1147-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Town & Country Food Stores, Inc. dba Town & Country 267 ("Town & Country") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Town & Country appear before the Commission and together stipulate that:

- 1. Town & Country owns and operates a convenience store with retail sales of gasoline at 1001 North Crockett Avenue in Sonora, Sutton County, Texas (the "Facility").
- 2. Town & Country's four underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Commission and Town & Country agree that the Commission has jurisdiction to enter this Agreed Order, and that Town & Country is subject to the Commission's jurisdiction.
- 4. Town & Country received notice of the violations alleged in Section II ("Allegations") on or about July 7, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Town & Country of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Seven Thousand Six Hundred Fifty Dollars (\$7,650) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Town & Country has paid Six Thousand One Hundred Twenty Dollars (\$6,120)

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entre de la composition de la composit La composition de la of the administrative penalty and One Thousand Five Hundred Thirty Dollars (\$1,530) is deferred contingent upon Town & Country's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Town & Country fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Town & Country to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Town & Country have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that Town & Country has implemented the following corrective measures at the Facility:
 - a. On July 5, 2007, the TCEQ San Angelo Regional Office received documentation certifying that the Statistical Inventory Reconciliation ("SIR") analysis reports are being obtained from the vendor within the first 15 calendar days of the month as required; and
 - b. The TCEQ San Angelo Regional Office received documentation verifying that as of February 5, 2007, the required suspected release investigation was conducted, corrective measures were taken to conduct inventory measurements and reconciliation accurately, and passing results were achieved in the SIR analysis reports.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Town & Country has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Town & Country is alleged to have:

1. Failed to obtain an SIR analysis from the designated provider within 15 calendar days following the last day of the calendar month for which the analysis was performed, in violation of 30 TeX. ADMIN. CODE § 334.50(d)(9)(A)(iii) and Tex. Water Code § 26.3475(c)(1), as documented during an investigation conducted on May 4, 2007. Specifically, it was documented that the date of the SIR reports exceeded the 15-day limit.

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- 2. Failed to report a suspected release to the agency within 24 hours of discovery, in violation of 30 Tex. Admin. Code §§ 334.50(d)(9)(A)(iv) and 334.72(3)(B), as documented during an investigation conducted on May 4, 2007. Specifically, the SIR results of the unleaded tank for November 2006 indicated a suspected release that was not reported to the TCEQ.
- 3. Failed to investigate a suspected release within 30 days of discovery, in violation of 30 TEX. ADMIN. CODE § 334.74(1), as documented during an investigation conducted on May 4, 2007. Specifically, SIR results of the unleaded tank for November 2006 indicated a suspected release that was not investigated.

III. DENIALS

Town & Country generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Town & Country pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Town & Country's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Town & Country Food Stores, Inc. dba Town & Country 267, Docket No. 2007-1147-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon Town & Country. Town & Country is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against Town & Country in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Town & Country, or three days after the date on which the Commission mails notice of the Order to Town & Country, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

10/03/2007 11:48

#222 P. 002/003

Received:

Uct 3 2007 11:26am

Town & Country Food Stores, Inc. dba Town & Country 267 DOCKET NO. 2007-1147-PST-E Page 4

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	10/18/07 Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

A negative impact on compliance history;

Greater scrutiny of any permit applications submitted;

Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees. or to a collection agency;

Increased penalties in any future enforcement actions;

Automatic referral to the Attorney General's Office of any future enforcement actions; and

TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Kabut Eggles A

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Name (Printed or (Vocd)

Authorized Representative of

Town & Country Food Stores, Inc. dba Town & Country 267

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.